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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/014,422	01/27/1998	MASAKI IWAMOTO	1344.1001/JD	4490

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EXAMINER
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HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/014,422

Applicant(s)

IWAMOTO ET AL.

Examiner

Cong-Lac Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is responsive to communications: response filed on 8/8/01 to the application filed on 01/27/98.
2. Claims 1-8, 10-19, 21-26 are pending in the case. Claims 1, 12, 23 are independent claims.
3. The objection of the specification as including an indefinite subject matter has been withdrawn in view of applicants' argument.
4. The rejections of claims 1-8, 10-19, 21-26 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention have been withdrawn in view of applicants' argument.
5. The rejections of claims 1-8, 10-19, 21-26 under 35 U.S.C. 103 (a) as being unpatentable over Microsoft Excel 97 have been withdrawn in view of applicants' argument.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8, 10-19, 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Microsoft Excel 97* (hereinafter referred as Excel 97), Microsoft Corporation, 1997, pages 1-11 in view of Fahey (US Pat No. 5,970,476, 10/19/99, filed 9/19/96).

Regarding independent claim 1, Excel 97 discloses (on page 1):

- the cross tabulation in which the data which is set a range to be displayed is summed up, the *data selected which is extracted from a database is cross summed up* (the sum of East row, West row, North row, South row, and the sum of January, February, March instead of summing from January to December in the database)
  - the cells selected among the cells to constitute the cross tabulation which includes the *data extracted* from a database (the cells in each row or each column)
  - the graph for displaying the data *extracted from a database* within the range, here the range is from A1 to D4 (the graph for corresponding sampled data)
- Excel 97 does not disclose explicitly extracting data automatically at random from a database.*

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*Fahey discloses extracting data automatically at random from a database (col 10, lines 47-60).*

*It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Fahey into Excel 97 since Fahey discloses extracting data automatically at random from a database and the extracted data stored in the warehouse is imported to the spreadsheet software for summing (col 12, lines 42-57) where the spreadsheet system for use in Fahey is Excel by Microsoft Corporation (col 5, lines 40-45) and the performing of operations on data by Excel is taught clearly by Excel 97.*

Regarding claim 2, which is dependent on claim 1, Excel 97 discloses the *selected range* (which is limited) of data that is used to draw the corresponding graph (page 2).

Regarding claim 3, which is dependent on claim 2, Excel 97 discloses the cross tabulation to cross sum the data by:

- selecting of cells in the row East, selecting the AutoSum icon to sum up the numbers in the cells of the East row (page 3), and repeating for rows West, North and South;
- selecting of *cells which include data extracted from a database* in the column January, selecting of the AutoSum to sum up the numbers in the cells of the January column (page 4), and repeating for columns February, March, and Total.

Regarding claims 4 and 5, Excel 97 discloses the rearranging of data according to a predetermined condition as "sort descending" by selecting the range A2 to D5 and selecting the Sort Descending icon. *The data changed which is extracted from a*

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*database* in the descending order (sequence East-West-North-South now changes to West-South-North-East ) is summed up in the cross tabulation (pages 5 and 6).

Regarding claims 6 and 7, Excel 97 discloses the graph for the range selected from A1 to D4, which *includes data extracted from a database* (page 7 and the first graph in page 8). When selecting the new item South, the graph displayed is added the data for South (page 8, the second graph).

Regarding claim 8, the data analyzed is a collection of a number of data items *extracted from a database* (page 9, the highlighted data).

Regarding claims 10-11, Excel 97 discloses the graph of extracted data in which data item displayed as an axis based on the data record (page 11; page 10; page 8, the first graph).

Claims 12, 14-19, 21-22 are mediums for the apparatus of claims 1-11, and are rejected under the same rationale.

Claims 23-26 include the limitations of claims 1, 2, 4, and 6 respectively, and are rejected under the same rationale.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-8, 10-19, 21-26 have been considered but are moot in view of the new ground(s) of rejection.

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Applicants argue that Excel 97 does not disclose "extracting data automatically at random from a database..."

Examiner agrees.

Fahey, cited in this office action, discloses "extracting data automatically from a database" (col 10, lines 47-60). The extracted data stored in the data warehouse is imported to the spreadsheet software for summing data (col 12, lines 42-57) where the spreadsheet system for use in Fahey is *Excel by Microsoft Corporation* (col 5, lines 40-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Fahey into Excel 97 for *performing operations on the data extracted automatically from a database by using Excel technique of Microsoft.*

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ashida et al. (US Pat No. 5,933,796, 8/3/99, filed 8/1/97, priority 8/9/96).

Szlam et al. (US Pat No. 6,362,838 B1, 3/26/02, filed 8/8/97, priority 5/16/95).

Szlam et al. (US Pat No. 5,675,637, 10/7/97, filed 5/16/95).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is (703) 305-0432. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (703) 308-5186. The fax number to this Art Unit is (703) 308-5403.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

clh

3/28/02



STEPHEN S. HONG  
PRIMARY EXAMINER